

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MELISSA RANSOM,

Plaintiff,

v.

Civ. 01-00822 RLP/LFG

ALBUQUERQUE POLICE  
DEPARTMENT, *et al.*,

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER having come before the court on various motions of the parties, the court having read the memoranda of the parties and having heard oral arguments, finds as follows for the reasons given at the hearing held on June 18, 2002:

Plaintiff's Motion for Leave to Amend Complaint [Doc. 85] is granted in part and denied in part. Plaintiff shall have ten (10) days from entry of this Order to amend her complaint to add Sergeant Macario Page as a defendant and to add a claim for punitive damages. Her request to add the City of Albuquerque, Gilbert Gallegos, and Gerald Galvin as defendants is denied. Her requests to add a claim for injunctive relief, declaratory relief, and class action are denied.

Plaintiff's Motion to Strike [Doc. 79] is denied as frivolous.

Defendants Callaway's and Kearney's Motion for Summary Judgment based on Qualified Immunity [Doc. 63] is denied. Defendants Callaway and Kearney are dismissed from this action, upon the agreement of Plaintiff's counsel, because there are no claims against them.

Defendant Berry's Motion for Summary Judgment on the basis of Qualified Immunity [Doc. 85] is denied. Defendant Berry is dismissed from this action because there are no claims against him.

Defendants' Motion for Summary Judgment Requesting Dismissal of Plaintiff's Procedural Due Process, Writ of Replevin, and Conversion claims [Doc. 65] is granted for the following

reasons: Defendants Berry, Callaway, and Kearney are all dismissed from this action and Plaintiff's claims for Writ of Replevin and conversion are moot.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion for Leave to Amend Complaint [Doc. 85] is granted in part and denied in part. Plaintiff shall have ten (10) days from entry of this order to file an amended complaint consistent with the rulings herein;

IT IS FURTHER ORDERED that Plaintiff's Motion to Strike [Doc. 79] is denied;

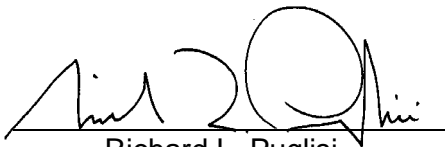
IT IS FURTHER ORDERED that Defendants Callaway's and Kearney's Motion for Summary Judgment based on Qualified Immunity [Doc. 63] is denied.

IT IS FURTHER ORDERED that Defendant Berry's Motion for Summary Judgment on the basis of Qualified Immunity [Doc. 85] is denied.

IT IS FURTHER ORDERED that Defendants Berry, Callaway, and Kearney are dismissed from this action with prejudice; and

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment Requesting Dismissal of Plaintiff's Procedural Due Process, Writ of Replevin, and Conversion claims [Doc. 65] is granted for the reasons stated herein.

IT IS SO ORDERED.



Richard L. Puglisi  
United States Magistrate Judge  
(sitting by designation)

FOR THE PLAINTIFF: Dennis Montoya, Esq.

FOR THE DEFENDANTS: Stephanie Griffin, Esq.